

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

ALBERTO GARCIA and ARMANDO MORALES  
HERNANDEZ,

Plaintiffs,

- against -

CHIRPING CHICKEN NYC INC. and/or CHIRPING  
CHICKEN U.S.A. INC. d/b/a CHIRPING CHICKEN  
and RAMJI DASS individually,

Defendants.

Docket No.: 15-cv-02335-JBW-CLP

**DECLARATION OF JACK L.  
NEWHOUSE IN SUPPORT OF  
PLAINTIFFS' REQUEST FOR  
CERTIFICATE OF  
DEFAULT**

JACK L. NEWHOUSE, an attorney duly admitted to practice law in the Eastern District of New York, hereby declares under penalties of perjury that:

1. I am a member of Virginia & Ambinder, LLP, attorneys for Plaintiffs, Alberto Garcia and Armando Morales Hernandez, in this action in this action. I submit this Affirmation in Support of Plaintiffs' request for an entry of default against Defendants Chirping Chicken NYC Inc. ("Chirping Chicken NYC") and/or Chirping Chicken U.S.A. Inc. d/b/a Chirping Chicken ("Chirping Chicken U.S.A") and Ramji Dass (collectively "Defendants") pursuant to Fed. R. of Civ. Pro. 55(a).

2. Plaintiffs initiated this action on April 23, 2015 against Defendants alleging violations of the Fair Labor Standards Act and New York Labor Law, and seeking to recover unpaid minimum wages, overtime compensation, spread of hours compensation, and damages arising from record-keeping violations owed to Plaintiffs for work performed on behalf of Defendants.

3. The Summons and Complaint was served on the corporate Defendants Chirping Chicken NYC and Chirping Chicken U.S.A. on April 27, 2015. Their answer was due by May 18, 2015.

4. The Summons and Amended Complaint was served on Ramji Dass on May 5, 2015. His answer was due on May 26, 2015.

5. The time for Defendants to answer or otherwise move with respect to the complaint herein has expired.

6. To date, Defendants have not answered or otherwise moved with respect to the complaint, nor has the time for them to answer been extended.

7. The Defendants are not infants or incompetents. Defendants are not presently in the military service of the United States as appears from facts in this litigation.

**WHEREFORE**, Plaintiffs request that the default of Defendants be noted and a certificate of default issued.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information, and belief; and that any disbursements sought to be taxed will necessarily be made or included in this action.

Dated: New York, New York  
July 9, 2015

VIRGINIA & AMBINDER, LLP

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